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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

9 NATIONAL SHOOTING
10 SPORTS FOUNDATION, INC.,

11 Plaintiff,

12 v.

13 ROBERT W. FERGUSON,
14 Attorney General of the State of
15 Washington,

16 Defendant.

NO. 2:23-cv-00113-MKD

DECLARATION OF ADRIAN
DIAZ IN SUPPORT OF
DEFENDANT'S OPPOSITION
TO PLAINTIFF'S MOTION
FOR PRELIMINARY
INJUNCTION

16 I, Adrian Diaz, declare as follows:

17 1. I am the Chief of the Seattle Police Department (SPD). I am over
18 the age of 18, competent to testify as to the matters herein, and make this
19 declaration based on my personal knowledge.

20 2. I have been a member of SPD for more than two decades. I began
21 my career at SPD in Patrol, the Mountain Bike Unit, and the Anti-Crime Team
22 and later joined the Investigations Bureau. I was also the first Assistant Chief of

1 the Collaborative Policing Bureau before I was promoted to Deputy Chief of
2 Operations. I then served as Interim Chief of Police and currently serve as the
3 Chief of Police.

4 3. In addition to serving as Chief of Police, I also serve as a Master
5 Defensive Tactics instructor at the Washington State Criminal Justice Training
6 Commission.

7 4. I have received extensive training on firearms throughout my career
8 in law enforcement and have trained others on the use of firearms and
9 ammunition. As a longtime member of SPD and as Chief of Police, I am well-
10 versed in the features and capabilities of firearms used for law enforcement and
11 civilian self-defense. I am also a longtime gun owner and have owned a personal
12 firearm for 25 years. I serve on the board for the Alliance for Gun Responsibility.

13 5. Washington's public nuisance firearms law, SSB 5078, requires
14 firearms industry members to implement reasonable controls to prevent guns
15 from getting into the hands of criminals via straw purchasing, trafficking, and
16 theft. It prohibits designing, selling, or marketing of firearms in a way that
17 promotes conversion into illegal products; is targeted at persons legally
18 prohibited from owning a gun; or is targeted at minors. It also allows bad actors
19 in the firearms industry to be held responsible for harms resulting from illegal
20 and irresponsible business practices.

21 6. I am a strong supporter of SSB 5078 because I have seen the death
22 and destruction caused by diversion of guns into the illegal market and into the

1 hands of criminals and others who are not safe to possess a gun. There are some
2 bad actors in the firearms industry that contribute to this problem by failing to
3 implement the reasonable controls generally accepted across the industry to
4 detect and deter straw purchasers, theft, trafficking, and sales to at-risk or
5 prohibited individuals. I believe that SSB 5078, by creating duties for all gun
6 industry members to implement sensible business practices, will over time help
7 reduce the number of guns diverted into the illegal market.

8 7. Like many cities in the State of Washington and across the United
9 States, Seattle is experiencing a gun violence crisis that has accelerated in recent
10 years. SPD collects, analyzes, and reports extensive data on crime that occurs in
11 Seattle. A true and correct copy of the SPD Crime Report 2022, released in
12 February 2023, is attached as Exhibit 1 and is also available online at
13 [https://www.seattle.gov/documents/Departments/Police/Reports/2022_SPD_CR](https://www.seattle.gov/documents/Departments/Police/Reports/2022_SPD_CRIME_REPORT_FINAL.pdf)
14 [IME_REPORT_FINAL.pdf](https://www.seattle.gov/documents/Departments/Police/Reports/2022_SPD_CRIME_REPORT_FINAL.pdf).

15 8. Reports of criminal shootings and shots fired were at an all-time
16 high in 2022. There were 196 criminal shootings in Seattle in 2022, meaning
17 shootings resulting in injury or death at the time of the incident, not including
18 self-inflicted injuries. There were also 543 “shots fired,” meaning shootings not
19 resulting in injury. The total of 739 verified criminal shootings and shots fired
20 represents a 19 percent increase compared to 2021, the previous all-time high on
21 record, a 69 percent increase compared to 2020, and a 125 percent increase
22 compared to pre-pandemic totals in 2019.

1 9. The 196 criminal shootings in Seattle in 2022 resulting in injury or
2 death represent a 13 percent increase compared to 2021, a 62 percent increase
3 compared to 2020, and a 104 percent increase compared to 2019. From those 196
4 shootings, there were 219 victims identified at the time of the event. This is a five
5 percent increase in victims from 2021, a 43 percent increase from 2020, and a
6 101 percent increase from 2019.

7 10. Of the 196 criminal shootings, 39 were fatal. Of the 52 homicides
8 that occurred in Seattle in 2022, 73 percent of the victims died from gun violence.

9 11. A total of 1,349 firearms were taken into custody by SPD in 2022.
10 This is the second highest number of firearms in SPD possession on record.

11 12. About 38 percent of guns SPD has recovered have been used in four
12 or more shooting cases. Guns recovered by SPD have been traced to shootings
13 across King County and as far as Portland, Oregon.

14 13. This crisis in gun violence is driven by guns diverted from the legal
15 market to the illegal market, including through straw purchases, theft, and gun
16 trafficking. Diversion of firearms puts guns into the hands of people who should
17 not have them, including individuals with violent criminal records who cannot
18 pass a background check, people experiencing a mental health crisis, adolescents,
19 domestic abusers, and others prohibited by law from acquiring a gun. This almost
20 invariably leads to increased gun violence in the community.

21 14. SPD worked with the Bureau of Alcohol, Tobacco, Firearms &
22 Explosives (ATF) to provide data for their National Firearms Commerce and

1 Trafficking Assessment. The Washington State portion of the report is attached
2 as Exhibit 2 and is also available online at [https://www.atf.gov/firearms/docs/re](https://www.atf.gov/firearms/docs/report/washington-state-report/download)
3 [port/washington-state-report/download](https://www.atf.gov/firearms/docs/report/washington-state-report/download).

4 15. This data makes clear the magnitude of the problem of diversion of
5 guns used in crime. Of the crime guns recovered and traced in Washington State
6 from 2017 to 2021 where the purchaser is known, only *13 percent* had a purchaser
7 and possessor who were the same individual. 32.6 percent had a purchaser and
8 possessor who were different. For the remaining 54.4 percent, the identity of the
9 possessor was unknown.

10 16. In Washington State from 2017 to 2021, there were 102 theft
11 incidents from Federal Firearms Licensees (FFLs) that each led to at least one
12 stolen firearm being recovered. In total, there were 352 crime firearms recovered
13 from FFL thefts during that time. And of those recoveries, the majority—82.5
14 percent—were intrastate, meaning the gun was stolen from an FFL in
15 Washington and recovered in a crime in Washington. Seattle was the city with
16 the highest number of guns recovered from FFL theft in that time.

17 17. A major priority for SPD under my leadership is ensuring that we
18 prevent guns from getting in the wrong hands. Thus, I have advocated for
19 commonsense gun regulations that would prevent people who cannot legally or
20 safely possess firearms from being able to do so.

21 18. This requires a multi-pronged approach. Existing criminal law
22 permits SPD to arrest and charge persons who illegally sell firearms, or persons

1 who illegally possess firearms or who use firearms for criminal purposes. But
2 existing criminal law is not sufficient to ensure that FFLs and other firearms
3 industry members take reasonable precautions to prevent the diversion of
4 firearms into the illegal market.

5 19. SSB 5078 addresses the harms caused by bad actors in the firearms
6 industry that knowingly and irresponsibly fail to take reasonable steps to secure
7 their facilities from theft, to detect and deter straw purchasers, and to sell firearms
8 to an unauthorized individual or an individual providing clear signals of an intent
9 to harm themselves or others. These reasonable steps are essential to preventing
10 the diversion of guns used in crime.

1 I declare under penalty of perjury under the laws of the State of
2 Washington and the United States that the foregoing is true and correct.

3 DATED this 31st day of May, 2023, at Seattle, Washington.

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6 ADRIAN DIAZ
7 Chief of Police
8 Seattle Police Department
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CERTIFICATE OF SERVICE

I hereby certify that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will serve a copy of this document upon all counsel of record.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 1st day of June, 2023, at Olympia, Washington.

s/ Leena Vanderwood
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